

## Message Text

PAGE 01 TOKYO 04987 160854Z

43

ACTION COME-00

INFO OCT-01 EA-10 ISO-00 EB-07 /018 W

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R 160746Z APR 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 9451

UNCLAS TOKYO 4987

E.O. 11652: N/A

TAGS: EIND, JA

SUBJECT: GENERIC TRADEMARK APPLICATION FOR WINE

REF: A. STATE A-073396 B. TOKYO 4479

1. SUNTORY, SUPPORTING EMBASSY'S ARGUMENT THAT APPLICATIONS FOR SUBJECT TRADEMARKS ARE OF GENERIC GRAPE NAMES, DISCUSSED ITS TRADEMARK APPLICATION WITH PATENT OFFICE TRADEMARK EXAMINERS AND SHOWED EXAMINERS FOUR JAPANESE BOOKS ON LIQUOR AND WINES IN WHICH MOST TERMS COVERED BY SUNTORY'S TRADEMARK APPLICATIONS ARE MENTIONED. PATENT OFFICE EXAMINERS REPORTEDLY STATED THEY WOULD INVESTIGATE FURTHER SUBJECT TRADEMARK NAMES TO DETERMINE WHETHER THEY ARE VARIETIES OF GRAPES AND ACCEPTED AS SUCH BY JAPAN WINE TRADE. IF EXAMINERS CONVINCED THEY ARE GENERIC TERMS ACCEPTED IN JAPAN, THEY MAY BE ABLE REJECT THESE APPLICATIONS UNDER PROVISIONS OF ARTICLE 3, PARA 1, ITEM 3 OF THE JAPAN TRADEMARK LAW.

2. IT USUALLY TAKES TWO OR THREE YEARS UNTIL AN OPPOSITION FILED AGAINST A TRADEMARK APPLICATION IS ACTED UPON. AND IF SUNTORY'S APPLICATIONS REJECTED, OTHERS WOULD BE UNABLE REGISTER SUBJECT GRAPE NAMES. HOWEVER, IF SUNTORY WITHDRAWS ITS APPLICATIONS FIELD WOULD BE OPEN FOR ANY FIRM TO ATTEMPT REGISTER SUCH GRAPE NAMES IN FUTURE.

3. AS STATED REF B, SUNTORY PERCEIVES FORMAL REJECTION THESE TRADEMARK NAMES AS PROTECTING ITSELF AS WELL AS OTHER WINE IMPORTERS FROM FUTURE POSSIBILITY SOME PARTY UNCLASSIFIED

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REGISTERING SAME TRADEMARKS. SUNTORY APPARENTLY IN US CORNER AND SEEKS SUPPORT EMBASSY'S CASE.  
HODGSON

UNCLASSIFIED

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADEMARK APPLICATIONS, WINES  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Review Comment:** n/a  
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